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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 ROBERT DABNEY, et al.,)
12 Plaintiff(s),) No. C09-4116 BZ
13 v.)
14 CITY OF HAYWARD, et al.,) ORDER DENYING PLAINTIFFS'
15 Defendant(s).) MOTION FOR LEAVE TO FILE
16 _____) THIRD AMENDED COMPLAINT

17 Plaintiffs have moved for leave to file their third
18 amended complaint (Docket No. 56) so that they could add the
19 true names of defendant's Officers who were originally named
20 as Doe defendants. **IT IS HEREBY ORDERED** that plaintiffs'
21 motion is **DENIED** because they have not made the necessary
22 showing under FRCP 16(b)(4) that there is "good cause" to
23 modify the pretrial scheduling order and permit such an
24 amendment. Plaintiffs have not offered any reasonable
25 explanation as to why they waited until the eve of trial to
26 seek leave. The Court's pretrial order clearly states that
27 the City of Hayward is the only defendant and that all
28 unsecured Doe defendants are stricken. See Docket No. 51.

The Court finds no need for argument on this issue and the hearing set for **April 6, 2011** is **VACATED**.

Dated: March 28, 2011


Bernard Zimmerman
United States Magistrate Judge

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